In re HAIMOVSKY ET AL., Application No. 10/042,846
Amendment B

REMARKS

The final Office action dated May 26, 2005, and the references cited have been fully considered. In response, please enter the enclosed Request for Continued Examination (RCE) and the following amendments, and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested.

After entering of this Amendment B, claims 1-7, 9-12, 14-30 and 34 stand canceled, with claims 8, 13, 31-33, and 35-51 pending.

Applicants appreciate the Office's help and suggestions for getting this application in condition for allowance.

First, in response to the objection that the Summary and Abstracts were very similar, Applicants have amended the Abstract with support being provided by the original application, such as from the original abstract and the specification, including the paragraph beginning on page 7, line 25, *et seq.* Applicants submit that the Abstract complies with 37 CFR 1.72 and MPEP § 608.01(b). Applicants further submit that the Summary complies with 37 CFR 1.73 and MPEP § 608.01(d) as there is a parallelism between the claims and Summary; and therefore, the substance of the Summary is commensurate with the invention as claimed and fulfills the requirements of 37 CFR 1.73 and MPEP § 608.01(d). As such, Applicants respectfully request the objections to the disclosure be withdrawn.

Next, in response to the claim objections, applicants appreciate the Office detecting the typographical errors. Claims 8 and 13 have been amended herein (as discussed hereinafter) including to remove the issues, and claims 9-11, 16, 24, and 34 stand cancelled. Therefore, Applicants request the claim objections.

In regards to the amendments to the claims, independent claims 8 and 13 are amended as presented herein in the listing of the claims. The limitations of the master and slave systems having their memories is supported at least by FIG. 1 and its discussion from the bottom of page 9 through the top of page 12. The other limitations are derived from the original disclosure and prior pending claims, with support especially provided by FIG. 2 and its discussion on pages 12

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to 13. For example, in process block 208, the master system interrogates the slave systems for their respective characteristics and in process block 210, the master system determines the boot software and its location appropriate for the slave systems and the particular application to be performed by each slave. *See*, page 12, lines 11-20. Also, in process block 222, the master processor programs the slave system controllers to boot from their respective remote boot image, including in one embodiment, the master controller programs the slave system controllers to perform address translation on the original boot address (e.g., originally directed to an address in ROM of the slave system) to the address of the determined appropriate boot image. *See*, page 13, lines 10-22. Additionally, independent claim 13 is amended to change some passive verbs to active tense.

In regards to the new claims, independent claim 45 is added with means plus function language with limitations related to that of independent claims 8 and 13, with support provided by these independent claims their support in the original disclosure as discussed *supra*. Support for new claims 35, 42-44 and 49-51 is provided at least by pending claims 31-33, and page 12, line 15 of the original disclosure. Support for new claim 35 is provided by FIG. 1 and its discussion on page 10 of the original disclosure. Support for new claims 37-40 and 46-48 is provided as discussed *supra*, at least by page 13, lines 10-22.

In terms of the claim rejections, Applicants respectfully request that all claim rejections be withdrawn and all claims allowed as Applicants submit they are allowable over the prior art of record, with the references considered independently or in combination.

First, independent claim 13 is believed to be allowable as the recited combination of elements/limitations is neither taught nor suggested by the prior art of record, especially the master system identifying based on one or more characteristics identified by the interrogation of the slave system the boot image to use, and causing the slave controller to be booted using that boot image. Additionally, the dependent claims provide further limitations which additionally differentiate the claimed invention from that of the prior art. For example, claim 39 recites that the master system cause the slave system to request the boot image determined by the master

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system; and claim 40 recites that the slave controller provides address translation, which if further limited by claim 41, which recites that the original boot address (that being translated) refer to a location in a boot ROM in the slave system. Additionally, independent claim 13 provides additional limitations to differentiate it from a single system with two microprocessor that run in tandem for reliability purposes.

Currently, claim 13 stands rejected over the combination of Haigh, Jeffires, and Microsoft. Applicants respectfully submit that the claim as amended is allowable for at least the reasons presented herein as this combination, even if proper, neither teaches nor suggests all the recited claim limitation; and Applicants respectfully submit the combination cited by the Office is improper.

First, the Office submits that the Microsoft reference teaches determining a boot image based on one or more characteristics. Applicants respectfully submit that this reference teaches a human user the minimum system requirements before Windows 98 should be installed on a computer. There is no teaching that this operation can be performed in an automated manner, including there is no teaching that making sure the computer has the minimum system requirements is performed by a master controller as recited by the claims. Next, the Microsoft reference teaches that the system requirements to check consist of three things: the processor, the amount of memory, and the space available on the hard disk. Thus, a proper combination would at least require the other reference, Jeffries in this case, to teach the identification of the characteristics of the processor, the amount of memory, and the space available on the hard disk, which it does not. Jefferies Get Identify operation neither teaches nor suggests any of these items.

Additionally, Applicants respectfully submit that the motivation to combine Jeffries with Haigh is improper per MPEP § 2144, which requires a motivation to make the claims invention (emphasis in original). MPEP § 2144, at 2100-135. The reason for the combination is not required to be the same as applicants, but a proper motivation must be a motivation for making the claimed invention. The current rejection states that the motivation to combine references is

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for automatic assignment of addresses to slaves, which is a function not recited in the claims. Additionally, independent claim 13 and its dependent claims of 33 and 39-44 include limitations not previously considered by the Office, and are allowable for at least the reasons presented herein.

Applicants further submit that independent claim 8 and its dependent claims 31-32 and 35-38, and independent claim 45 and its dependent claims of 46-51 are allowable for at least the reasons discussed in relation to independent claim 13 and discussed *supra*. Additionally, independent claims 8, 13 and 45 include additional limitations which differentiate each of them from a single system with two microprocessor that run in tandem for reliability purposes.

Finally, Applicants invite the Office to call the undersigned attorney if, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, especially as it has been pending for an extended duration.

FINAL REMARKS. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Applicants believe a one-month extension of time is required, and hereby petitions any extension of time required and has included herewith a credit card payment form (PTO-2038) for payment of the extension fee, and Applicants hereby authorize the Commissioner to charge/credit any additional associated fees to Deposit Account No. 501430.
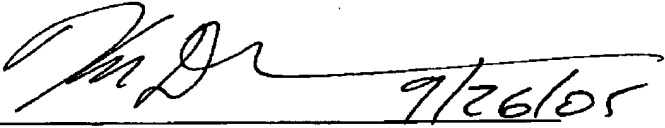
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Additionally, the Commissioner is hereby generally authorized under 37 C.F.R.

§ 1.136(a)(3) to treat this communication or any future communication in this or any related

application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating

a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit

Account No. 501430 for any fee that may be due in connection with such a request for an

extension of time. Moreover, the Commissioner is hereby authorized to charge payment of

any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or

any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53

or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: September 26, 2005

By _____

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